



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed June 9, 2024

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

In re:	§	Chapter 11
	§	
TOMMY'S FORT WORTH, LLC, <i>et al.</i> , <sup>1</sup>	§	Case No. 24-90000
	§	
Debtors.	§	(Jointly Administered)

**ORDER DENYING DEBTORS' REQUEST FOR ENTRY OF  
FOURTH INTERIM CASH COLLATERAL ORDER**

On May 22, 2024, the Debtors filed their *Emergency Motion of Debtors for Entry of Interim and Final Orders (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protecting [sic], (III) Modifying the Automatic Stay, (IV) Setting a Second Interim Hearing, (V) Setting a Final Hearing, and (V) [sic] Granting Related Relief* [Docket No. 12] (the “**Cash Collateral Motion**”) to request the use of cash collateral and the granting of certain protections in relation thereto to affected secured parties. The Court previously granted interim emergency relief to the Debtors pursuant to a *First Interim Order* [Docket No. 52], *Second Interim Order* [Docket No. 76], and *Third Interim Order* [Docket No. 95].

Pursuant to the *Third Interim Order*, the Court scheduled a continued hearing on the Cash Collateral Motion for June 6, 2024, to consider further interim relief and the Debtors were directed

<sup>1</sup> The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Tommy's Fort Worth, LLC (3473); Tommy's Holding Company, LLC (2662); Tommy's Gran Rapids, LLC (9224); Tommy's Castaic, LLC (7501); Tommy's Lewisville, LLC (4750); High Country Watersports, LLC (6160); Walloon Lake Village Marina, LLC (0277); MKB Florida Holdings, LLC (5698); Tommy's Detroit, LLC (5242); Tommy's California Fresno, LLC (8597); Tommy's Phoenix, LLC (3036); Tommy's Las Vegas, LLC (7721); Tommy's Chattanooga, LLC (0839); Tommy's California Ventura, LLC (5149); Tommy's Rancho Cordova, LLC (1070); Tommy's Stockton, LLC (1338); and Tommy's Knoxville, LLC (8052).

to file a proposed fourth interim order and revised budget by no later than June 5, 2024, at 5:00 p.m. (prevailing Central Time).

On June 5, 2024, the Debtors timely filed their *Notice of Proposed Fourth Interim Order (I) Authorizing the Use of Cash Collateral, (II) Granting Adequate Protection, (III) Modifying the Automatic Stay, (IV) Setting a Second Interim Hearing [sic], (V) Setting Final Hearing and (V) [sic] Granting Related Relief* [Docket No. 119] to provide notice of their proposed fourth interim order (the “**Proposed Fourth Interim Order**”) and revised budget (the “**Budget**”). The next day, M&T Bank (“**M&T**”) filed its *Supplemental Objection to Debtor’s [sic] Cash Collateral Motion* [Docket No. 124] to object to the Debtors’ continuing use of cash collateral under the terms and conditions of the Proposed Fourth Interim Order and Budget.<sup>2</sup>

On June 6, 2024, the Court conducted the scheduled continued hearing on the Cash Collateral Motion. At the conclusion of the hearing, the Court took the matter under advisement, setting a hearing for June 7, 2024, to render a ruling. Accordingly, on June 7, 2024, after having considered the Cash Collateral Motion, the previously entered interim orders, the Proposed Fourth Interim Order, the M&T objections, the evidence introduced, the representations and arguments of counsel, and the record in these proceedings, the Court orally issued its findings of fact, conclusions of law, and ruling (collectively, the “**Ruling**”). Based upon the Ruling, which is incorporated herein by reference, it is hereby:

**ORDERED** that the Debtors’ request pursuant to the Cash Collateral Motion for continuing use of cash collateral under the proposed terms and conditions of the Proposed Fourth Interim Order and Budget is **DENIED**.

### END OF ORDER ###

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<sup>2</sup> Following the filing of the Cash Collateral Motion, M&T asserted its initial, preliminary objections pursuant to its *Omnibus Objection of M&T Bank to Certain Emergency First Day Motions* [Docket No. 21].